

REMARKS

Claims 1, 3, 4, 7, 9 through 13, and 17 through 24 are pending in this Application. Claims 1, 7, 17, 18, and 20 have been amended. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, the Abstract, ¶¶[0019] through [0021], [0025], [0031], [0032], [0034], and [0038] of the corresponding US Pub. No. 2005/0114891. Applicant submits that the present Amendment does not generate any new matter issue.

Claim 20 was rejected under 35 U.S.C. §112, second paragraph.

In stating the rejection, the Examiner asserted that the recitations of “control message” and “control massage” lack sufficient antecedent basis. This rejection is traversed.

To expedite prosecution, claim 20 has been clarified by reciting “control message” in lieu of “control massage”, thereby overcoming the stated basis for the imposed rejection. Applicant therefore solicits withdrawal of the rejection of claim 20 under the second paragraph of 35 U.S.C. §112.

Claims 1, 3, 4, 7, 9 through 12, 17 through 21, and 24 were rejected for obviousness under 35 U.S.C. §103(a) based on *Nagoaka et al.* (US 20020092024, “*Nagoaka*”) in view of *Jones et al.* (US 20040137929, “*Jones*”).

In stating the rejection, the Examiner asserted that one having ordinary skill in the art would have been led to modify *Nagoaka*’s program broadcasting system by including *Jones*’s cellular radio system, in order to use an existing network to transmit data to and from cellular/mobile phones. This rejection is traversed.

Independent claims 1, 7, and 17 recite, *inter alia*: “causing, at least in part, actions that result in transmission of at least one message from said network element via a cellular radio system to at least one of said mobile station and a TV apparatus in response to said event occurring in said at least one television program being broadcasted, said message either controlling said mobile station to transmit control signals generated from information included in said at least one message to said TV apparatus in order to control said TV apparatus to provide said user with information **of a person participating in** said event via said TV apparatus as soon as the person **enters and appears** in the television program or as soon as the person who **appears** in the television program achieves a goal in the television program, or controlling said mobile station to display on a display of said mobile station the information included in said at least one message in order to provide said user with the information **of the person participating in** said event via said mobile station as soon as the person enters and **appears** in the television program or as soon as the person who **appears** in the television program achieves a goal in the television program.”

The claimed inventions advantageously enable an event that occurs in a scene of a TV program (e.g., a person enters and appears in the program in ¶¶ [0019] through [0021], the person appearing in the program achieves a goal in the television program in ¶ [0035], etc.) to trigger provision of information of the person appearing in the program.

In contrast, the “event” in *Nagoaka* merely refers to “a user making a winning bid for buying a wrist watch (FIG. 19A).” In particular, *Nagoaka*’s user doesn’t not **enter and appear** in the television program. *Nagoaka*’s user does not **appear** in the television program and achieve a goal in the television program. *Nagoaka*’s events are essentially different from the events recited in the claims.

Jones only discloses a cellular communication network (§ [0051]). Clearly, *Jones* fails to cure the above-discussed deficiencies of *Nagoaka*.

It is therefore apparent that even if the applied references are combined as proposed by the Examiner, and Applicant does not agree that the requisite realistic motivation has been established, the claimed invention would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044 (Fed. Cir.1988). Applicant, therefore, submits that the imposed rejection of claims 1, 3, 4, 7, 9 through 12, 17 through 21, and 24 under 35 U.S.C. §103(a) for obviousness based on *Nagoaka* in view of *Jones* is not factually or legally viable and, hence, solicits withdrawal thereof.

Claims 13, 22, and 23 were rejected for obviousness under 35 U.S.C. §103(a) based on *Nagoaka*, *Jones*, and *Sumita et al.* (US 2003/0100962, “*Sumita*”).

This rejection is traversed. Specifically, claim 13 depends from independent claim 7, and claims 22 and 23 depend from independent claim 1. Applicant incorporates herein the arguments previously advanced in traversing the imposed rejection of claims 1 and 17 under 35 U.S.C. §103(a). The reference to *Sumita* does not cure the previously argued deficiencies in the attempted combination of *Nagoaka* and *Jones*. Accordingly, even if the applied references are combined as proposed by the Examiner, and again Applicant does not agree that the requisite basis to support the asserted motivation has been established, the claimed invention would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, *supra*. Applicant, therefore, submits that the imposed rejection of claims 13, 22, and 23 under 35 U.S.C. §103(a) for obviousness predicated upon *Nagoaka* in view of *Jones* and *Sumita* is not factually or legally viable and, hence, solicits withdrawal thereof.

Based upon the foregoing, it is apparent that the imposed rejections have been overcome, and that all pending claims are in condition for allowance. Favorable consideration is therefore solicited. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 822-7186 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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Date

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